IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

LA.App..No. 537 of 2004(D)

LAR.425/2000 of PRL.SUB COURT, KOZHIKODE
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APPELLANT: 2ND RESPONDENT:

THE PROJECT OFFICER (OECF)
KERALA WATER AUTHORITY, KOZHIKODE.

BY ADV. SRI.M.V.MATHAI MUTHIRENTHY, SC, KWA
SRI.SAJAN MANNALI, SC, KWA
SRI.BABU VARGHESE, SC, KWA

RESPONDENTS: CLAIMANTS & 1ST RESPONDENT:
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1. GEETHA SURESH BABU, SREENILAYAM
MAYANAD P.O., KOZHIKODE.

2. THE SPECIAL TAHSILDAR (LA)
OECF, KERALA WATER AUTHORITY, KOZHIKODE.

BY GOVT.PLEADER SMT.K.R.DEEPA
ADV. SMT.T.KAMALA MENON

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

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L.A. A. NO. 537 of 2004-D

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DATED THIS THE 29TH DAY OF NOVEMBER, 2007

J U D G M E N T

Harun- Ul-Rashid, J.

This appeal is filed by the Project Officer (OECF), Kerala Water Authority, Kozhikode against the judgment and decree in L.A.R.No.425/2000 on the file of the Principal Sub Court, Kozhikode. An extent of 3.212 cents of wet land comprised in re-survey No.56/31 of Vengeri Village in Kozhikode was acquired for laying pipe line for construction of water tanks for the O.E.C.F. water supply scheme. Section 4(1) notification was published on 10.6.1998. The Land Acquisition Officer awarded Rs. 3,583/- per cent towards land value. Being aggrieved by the fixation of land value, the matter was referred to the reference court. The claimant was examined as AW1 and produced Exhibit A1. Exhibit C1 is also marked. The 2nd respondent as RW1 was examined and Exhibit R1 was marked.

2. On a comparison between the acquired land and the basic document, the court below found that the property covered by the basic document had no road access and it is not a bus route. On examining the relative importance of the acquired land, the court

below noticed that there is road access to this land and the buses are plying through the road. Considering the importance of the acquired land and its potentiality including the road access available, the court below fixed Rs.8,000/= per cent as the market value. We find that the value fixed by the court below on the basis of the materials on record is fair and reasonable. We find no merit in this appeal and therefore the appeal stands dismissed.

KURIAN JOSEPH, JUDGE**.**

HARUN-UL-RASHID, JUDGE.

dsn